

REMARKS

Initially, Applicants wish to thank the Examiner for the detailed Office Action and for the Notice of References Cited therein. Applicants would also like to thank the Examiner for acknowledging acceptance of the Drawings in the present application. Further, Applicants would like to thank the Examiner for indicating the allowability of claims 1-38.

Upon entry of the present amendment, claims 1-38 will have been cancelled and new claims 39-75 will have been added. New claims 39-75 substantially correspond to now-cancelled claims 1-31 and 33-38. The cancellation of claims 1-38 and the addition of new claims 39-75 should not be considered an indication of Applicants' acquiescence as to the outstanding rejection. Rather, Applicants have cancelled claims 1-38 and added new claims 39-75 to advance the prosecution and to obtain an early allowance of the claims in present application.

In the outstanding Office Action, claims 1-12 and 32-35 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants traverse the outstanding rejection. Initially, Applicants note that the cancellation of claims 1-12 and 32-35 renders the rejection of these claims moot. However, Applicants traverse the rejection insofar as new claims 39-50 and 70-72 substantially correspond to cancelled claims 1-12 and 33-35, respectively.

According to the holding in Bilski v. Kappos, a statutory "process" under 35 U.S.C. §101 must be tied to another statutory category; or (2) transform underlying subject matter to a different state or thing. With regard to claims 1-12 and 33-35, the Examiner asserts that the claimed steps plainly read on a person/human (network manager/operator) manually, mentally, verbally, visually and/or aurally performing the claimed steps. Applicants' independent claim 39 (which corresponds to now-cancelled independent claim 1) recites, *inter alia*, determining, by a communications switch, whether a party is a subscriber of a communications service feature

based on an identifier associated with the party and a first database containing a subset of subscriber identifiers. Applicants' independent claim 39 also recites, *inter alia*, verifying, by the communications switch, that the identifier associated with the party is in a subset of subscriber identifiers that would be included in the first database if the party is a subscriber. Applicants' independent claim 39 further recites, *inter alia*, querying, by the communications switch, a second database containing all of the subscriber identifiers to determine whether the party is a subscriber when the identifier associated with the party is not in the first database and is not in the subset of subscriber identifiers that would be included in the first database if the party is a subscriber.

That is, the above-noted elements recited in method claim 39 are performed by the claimed communications switch. Applicants' independent claim 70 is similarly amended. Each of dependent claims 40-50, 71 and 72 are allowable at least for depending from allowable independent claims 39 and 70, in addition to reasons related to their own recitations. Accordingly, at least prong (1) of the test set forth in In Re Bilski is satisfied with respect to claims 39-50 and 70-72.

Upon entry of the present amendment, computer readable medium claim 32 will have been cancelled and no new computer readable medium claim will have been submitted. Accordingly, none of pending claims 39-75 are directed to a computer readable medium and the rejection of claim 32 under 35 U.S.C. §101 should be withdrawn.

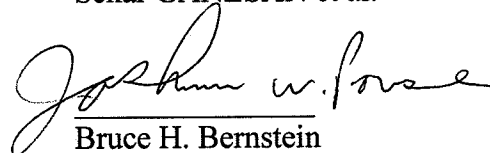
In view of the above, reconsideration and withdrawal of the rejection of claims 1-12 and 32-35 under 35 U.S.C. §101 as being directed to non-statutory subject matter is requested.

Any amendments to the claims in this Response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a

purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Accordingly, Applicants request reconsideration of the outstanding rejection and an indication of the allowability of all the claims in the present application. Applicants request that the Examiner allow the present application to mature into a U.S. letters patent with each of the claims pending herein.

Should the Examiner have any questions or comments regarding this Amendment, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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